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TRANSMITTAL FORM

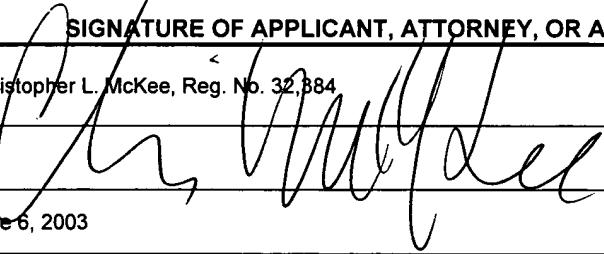
(to be used for all correspondence after initial filing)

		Application Number	09/771,115
		Filing Date	January 26, 2001
		First Name & Inventor	Arthur Edward Shropshire
		Group Art Unit	2825
		Examiner Name	TBA
Total Number of Pages in This Submission	5	Attorney Docket Number	003921.000123

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s), (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Communication Regarding Foreign/International Filing and Rescinded Non-Publication Request
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Christopher L. McKee, Reg. No. 32,384
Signature	
Date	June 6, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name		
Signature		Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.



Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)

0

Complete if Known	
Application Number	09/771,115
Filing Date	January 26, 2001
First Named Inventor	Arthur Edward Shropshire
Examiner Name	TBA
Art Unit	2825
Attorney Docket No.	003921.00123

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Other None
 Order

Deposit Account:

Deposit
Account
Number

19-0733

Deposit
Account
Name

Banner & Witcoff, Ltd.

The Commissioner is authorized to: (check all that apply)
 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity
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Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

0

2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			** =	X	=
			0		0
			0		0
				X	= 0

Large Entity

Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

0

** or number previously paid, if greater. For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity
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Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

SUBMITTED BY

Name (Print/Type)	Christopher L. McKee	Registration No. Attorney/Agent	32,384	Telephone	(202) 824-3000
Signature				Date	June 6, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form.

Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**COMMUNICATION REGARDING FOREIGN/INTERNATIONAL FILING AND
RESCINDED NON-PUBLICATION REQUEST**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant filed a Request for Non-Publication with this application on January 26, 2001. Applicant subsequently filed a Request to Rescind Previous Non-Publication Request on September 18, 2001.

Applicant filed a corresponding PCT Application in the USPTO as the Receiving Office on September 18, 2001. The assignee has not entered the national stage in this PCT application.

It is respectfully submitted that because applicant filed a rescission of the Non-Publication Request no later than the International filing, applicant was not required to file a separate Notice of the International filing under 15 U.S.C. § 122(b)(2)(B)(iii), which section, on its face, appears to apply to applicants who file foreign/International applications without having rescinded the Non-Publication Request.

It is also applicant's understanding that the PTO considers the filing of a Request to Rescind to be a Notice of Subsequent Foreign Filing. This understanding derives from the Note on Form PTO/SB36 (4-01) (copy attached). PTO/SB36 (4-01) does not include an explicit Notice of Foreign or International filing, yet the Note indicates that filing the Request to Rescind is considered by the PTO as notice of International or foreign filing. Applicant's September 18, 2001 Request to Rescind was identical to Form PTO/SB36 (4-01), but without the Note. Because the Note is not an affirmative statement by applicant and is merely an explanation of how the PTO treats the applicant's statement above the note, applicant submits that the PTO

should treat applicant's Request to Rescind Previous Non-Publication Request as a notice of subsequent foreign or International filing, if the PTO deems such a notice as necessary in this application.

Applicant submits, therefore, that applicant has complied with 35 U.S.C. § 122 and that no further action is necessary to permit the prosecution of this application to go forward. If the Patent and Trademark Office considers that applicant has not complied with 35 U.S.C. § 122, applicant respectfully requests that this paper be considered the required notice of the filing of an foreign/International application, including a showing that the delay in submitting the Notice was unintentional. Under these circumstances, any failure to provide such notice within the 45 day period prescribed by 35 U.S. § 122 shall **not** result in the abandonment of the application. "A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional." 35 U.S.C. § 122(b)(2)(B)(iii) (emphasis added).

If, notwithstanding the foregoing, the USPTO deems that a petition to revive under 37 C.F.R. § 1.137(b) is required to maintain this application, then applicant respectfully requests that this paper be treated as such. In this regard, applicant hereby states that the entire delay in submitting the requisite notice of a subsequent foreign or International filing required by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 C.F.R. § 1.213(C) was unintentional, and authorization is given to charge our deposit account No. 19-0733 the necessary Petition fee of \$1300 (37 C.F.R. § 1.17(m)).

Respectfully submitted,

Christopher L. McKee
Registration No. 32,384

BANNER & WITCOFF, LTD.
1001 G Street, N.W., 11th Floor
Washington, D.C. 20001-4597
(202) 508-9100

Date: June 6, 2003

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**REQUEST TO RESCIND PREVIOUS
NONPUBLICATION REQUEST
35 U.S.C. 122(b)(2)(B)(ii)**

Application Number	
Filing Date	
First Named Inventor	
Title	
Atty Docket Number	
Group Art Unit	
Examiner	

I hereby **rescind** the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

Date

Signature

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b).

Note: Filing this rescission of a previous nonpublication request is considered the notice of a subsequent foreign or International filing required by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) if this rescission is filed no later than forty-five days (45) days after the date of filing of such foreign or international application. See 37 CFR 1.137(f) if a notice of subsequent foreign or International filing required by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is **not** filed within forty-five days (45) days after the date of filing of the foreign or international application.

CERTIFICATE OF MAILING OR TRANSMISSION

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Name (Print/Type)	
Signature	Date

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(b). The information is used by the public to rescind a previously filed request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.